

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RAMONA GRIMES,

§

Plaintiff,

§

v.

§

CIVIL ACTION H-06-1972

CHRISTUS HEALTH GULF COAST, *et al.*,

§

Defendants.

§

ORDER

Pending before the court is defendants' motion for summary judgment. (Dkt. 27). Having reviewed the pleading, the response (Dkt. 30), the summary judgment record, and the applicable law, the court finds that defendants' motion should be DENIED. Also pending before the court is plaintiff Ramona Grimes' motion to enlarge time to designate expert witnesses (Dkt. 20) and defendants' motion for leave to file amended answer (Dkt. 26). The court finds that both motions should be GRANTED.

Summary judgment should be granted if the record, taken as a whole, together with any affidavits, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. FED. R. CIV. P. 56(c); *N.Y. Life Ins. Co. v. Travelers Ins. Co.*, 92 F.3d 336, 338 (5th Cir. 1996). The Supreme Court has interpreted the plain language of Rule 56(c) to mandate "the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S. Ct. 2548 (1986). A party moving for summary judgment "must 'demonstrate the absence of a genuine issue of material fact,' but need not negate

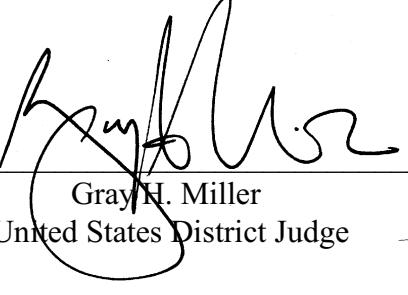
the elements of the nonmovant's case." *Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 (5th Cir.1994) (en banc) (quoting *Celotex*, 477 U.S. at 323-25). If the moving party "fails to meet this initial burden, the motion must be denied, regardless of the nonmovant's response." *Little*, 37 F.3d at 1075.

The court finds that there are genuine issues of material fact as to Grimes' claims for violations of Title VII based on the hostile work environment and retaliation theories. Defendants fail to demonstrate the absence of a genuine issue of material fact. Therefore, defendants' motion for summary judgment is DENIED.

Grimes' motion to enlarge time to designate expert witnesses is GRANTED. Grimes must designate her experts and provide reports no later than 5 p.m. on January 7, 2008. Moreover, Grimes may only designate experts related to the issue of attorney's fees.

Defendants' motion for leave to file amended answer is GRANTED.¹

Signed at Houston, Texas on January 4, 2008.



Gray H. Miller

United States District Judge

¹ Because Grimes has not responded to the motion by the submission date, the motion will be treated as unopposed. *See S.D. TEX. LOC. R. 7.3-4.*